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ADDENDUM

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REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

Addendum

1. At the 153rd meeting of the Committee, on 15 November 1991, the representative of the USSR said that many delegations, including his own, were concerned by various rumours that were circulating to the effect that the United States State Department considered that diplomats accredited to the United Nations must pay their traffic fines and in particular their fines for parking violations. Since one could not fully rely on what the mass media were saying, he asked for an official clarification from the United States Mission as to how things really stood, which would enable the Soviet delegation to determine correctly its position on the matter.

2. The representative of China said that Chinese diplomats experienced difficulties with parking in front of the Chinese Consulate-General. In spite of the sign posted in front of the Consulate-General and the Mission permitting cars of the Consulate-General and the Mission to be parked, there had been many instances when diplomatic cars had been towed away, and even one involving a car with a person in it. On one occasion a car containing urgently needed documents had been towed away when it had been parked in front of the Consulate-General for a short time. She expressed the hope that the competent host country authorities would find a solution to those problems.

3. The representative of Costa Rica said that diplomatic cars sometimes could not use space reserved for them because it was occupied by non-diplomatic vehicles. Press articles reported an intensification of the campaign against diplomatic vehicles. It became more difficult for diplomats accredited to the United Nations to perform their duties, particularly in the months of the regular session of the General Assembly. Her own car had been towed away while she went into her office for a few minutes to obtain the necessary documents for voting in the General Assembly. Space reserved for diplomatic cars had been blocked by trucks. She expressed her appreciation to the United States Mission for assisting in the speedy recovery of her car. She informed the Committee, at the request of the Permanent Representative and the Deputy Permanent Representative of Guatemala, that their cars had also been towed away from spots reserved for diplomatic vehicles in front of the Mission.

4. The representative of Mali observed that in New York, for missions that did not have chauffeurs, it was difficult to deal with the current parking problems. While his delegation was grateful to the host city for the efforts made by it, certain missions could carry out their functions only if the minimum conditions were being met. He expressed the hope that the host country would find a rapid solution to the problem.

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5. The representative of Senegal shared the observations made by the representative of Mali. There had to be a minimum set of conditions for missions accredited to the United Nations in order to move about in New York. The Mission of Senegal was committed to observing the law and regulations of the receiving State. However, the limited amount of space in front of the Senegal Mission was often filled with non-diplomatic vehicles.

6. The representative of Spain supported the appeal to the host country Mission made by the representative of the Soviet Union.

7. The representative of Honduras shared the comments made by the representatives of China, Costa Rica, Mali, Senegal and Spain. He expressed the hope that the host country would give a satisfactory official response to what was discussed in all the media, on television, radio and in the press, which appeared to be a campaign directed against diplomats accredited to the United Nations.

8. The representative of the United States of America stated that the host country Mission was cognizant of the current publicity in the newspapers and on television. The message from the press was that New York intended to be more aggressive in dealing with traffic problems in the city. In conjunction with the New York City Commission for the United Nations and Consular Corps, the United States Mission had talked with and would continue to work with the appropriate city authorities to seek solutions that were appropriate for the diplomatic community and for the City of New York. Any change in the existing policy regarding the matter would be communicated through regular diplomatic channels and not through the news media. The United States policy was and had always been that diplomats and their families were expected to abide by traffic and parking rules and regulations, and to pay any and all traffic and parking tickets. It was the United States policy, as well, to honour international law as it pertained to the matter under discussion. In accordance with that policy, members of the diplomatic community who enjoyed immunity could not be required to appear in judicial proceedings or otherwise to submit personally to the civil or administrative jurisdiction of the United States. Illegally parked cars would be towed when a hazard to health and safety was involved. The United States Mission had advised the city authorities that such vehicles might be towed the distance necessary to remove them from obstructing traffic or endangering public safety. If there was a fine or penalty as a result of the towing, it was the host country's policy that diplomats and missions were expected to pay such charges. The United States Mission had also advised the City that the release of a car to a diplomat enjoying full immunity may not be conditioned on the payment of a fine or towing charges because the property of the diplomat, including his or her vehicle, might not be seized. She appealed to diplomats to abide by traffic and parking rules and regulations and to pay the requisite fines or tickets. She also assured the Committee of the host country Mission's continued cooperation in dealing with those problems.

9. The observer of Mexico said that his delegation was interested in the important work of the Committee on Relations with the Host Country, which was closely related to the Sixth Committee. He expressed the view that the membership of the Committee might possibly be expanded. There had not been much rotation among the membership of the Committee. He also thought that an analysis should be made of the host country legislation communicated to

missions on 29 October 1991, which related to the Manual of the State Department. Referring to parking problems, he associated himself with the observations made by the representatives of Costa Rica, Honduras and other speakers. While the Mexican Mission had no individual complaints about the recent actions, he nevertheless felt that there was a need to react to the aggressive press attack affecting the image of the diplomatic corps in New York.

10. The representative of the Soviet Union proposed that the observations made by the representative of the United States and especially the assurances given by the host country delegation regarding traffic matters be reflected in the report in extenso.

11. The representative of Mali, referring to the statements made by different delegations on the issue and in the light of the response given by the host country, proposed that the Chairman of the Committee work out a conclusion to be incorporated in section IV of the report.

12. The representative of Costa Rica said that diplomats had to respect parking regulations, but that these regulations were not just for diplomats. She wondered whether parking regulations were being enforced only for diplomatic personnel or for all motorists in New York.

13. The representative of the United States, responding to the suggestion made by the representative of Mali, pointed out that the report already contained a recommendation on traffic and transportation matters. That recommendation, in the view of the host country delegation, was sufficient.

14. The representative of Honduras requested the Legal Counsel to say whether diplomats were obliged to pay traffic fines. He also asked for a clarification regarding the forms necessary for sending tickets to the host country Mission.

15. The Legal Counsel, responding to the question of the representative of Honduras, observed that, according to the statement made by the representative of the host country, diplomats were obliged to abide by the law of the host country and were "expected" to pay fines. Referring further to a note verbale on moving traffic violations that had been circulated by the host country in 1989, he reminded the Committee that the Secretariat had formally reserved its legal position on the matter in the note verbale sent on 13 March 1989 to the United States Mission. The note, in particular, stated the following:

> "The requirement of the payment of fines and punitive sanction or threat of punitive sanction of suspension or revocation of licences are measures which are tantamount to an exercise of jurisdiction by the host country and is, therefore, at variance with article 31 of the Vienna Convention on Diplomatic Relations of 1961."

16. In reply to a query concerning the forms, the representative of the United States observed that the note verbale circulated by his Mission in 1989 had specifically stated that the United States Mission would not be involved any longer with the consideration of moving violations. The forms in question dealt only with parking violations. He assured the Committee that the appropriate forms would be supplied, if requested.

17. The representative of the Soviet Union observed that the United States intervention contained varying interpretations of the obligations under the Vienna Convention. The Committee could determine a position on the matter taking into consideration statements made by all speakers, including that of the Legal Counsel. Referring to the assertion that diplomats were expected to pay fines for parking violations, he shared the position taken on the matter by the United Nations Secretariat in its note verbale of 13 March 1989. It was not as simple a problem as it seemed. The Committee had to come up with a determination of what the problem was and what could be done to solve it with a view to preventing this "technical" problem from being converted into a "political" one. The problem should be resolved at the level of missions. Pursuant to the Vienna Convention diplomats must observe the laws and rules of the host country, but the host country, in turn, should also create favourable conditions for the work of the missions accredited to the United Nations. He hoped that in that spirit the Committee would be able to resolve the problem.

18. The representative of Senegal reiterated that his Mission was concerned by the matter under discussion. He was confident that the host country would resolve the problem.

19. The Chairman observed that tickets were often given because of a misunderstanding on the part of the police, for example, for a lack of inspection stickers, although such stickers were not required.